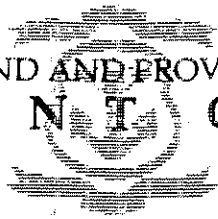


STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
D E P A R T M E N T O F H E A L T H



Safe and Healthy Lives in Safe and Healthy Communities

BOARD OF MEDICAL LICENSURE AND
DISCIPLINE

No. C01-026

In the matter of:

Martin P. Feldman, M.D.

License number: MD 3678

Consent Order

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (1999 Reenactment) notifications were received by the Board of Medical Licensure and Discipline that the Respondent was engaged in the practice of medicine across state lines and may have violated R.I.G.L. §5-37-5.1(19) of the medical practices act. The notices were reviewed by an investigating committee and the Respondent appeared personally before the committee. The following are the Board's Findings of Fact and Conclusions of Law:

Findings of Facts and Conclusions of Law

1. The Respondent, Dr. Martin P. Feldman, M.D., was a medical "consultant" for certain on-line pharmacies including: The Virtual Medical Group, NetDoctor, RB Products, and Multimed. He receives financial remuneration for each prescription that he writes for an "on-line patient" regarding whom he has not been in face to face consultation or has a previously established doctor/patient relationship. The Respondent's interaction with the patient is limited to information provided by the patient via an on-line questionnaire. Patient's typically receive "lifestyle Drugs" such as Viagra, Propecia, and Xenical from the on-line pharmacy.

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2. The acceptable medical standard for prescribing medication is to establish a doctor-patient relationship based upon an in person patient evaluation.
3. Respondent has previously signed a "Consent Judgment" with the state of Arizona.
4. The Board of medical Licensure and Discipline finds the Respondent violated Rhode Island General Laws § 5-37-5.1(19) by failing to establish an acceptable doctor patient relationship before writing prescriptions for the patient.

The parties agree as follows:

The Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

- (1) Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.

- (2) Respondent hereby acknowledges and waives:

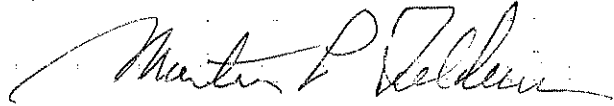
- a. The right to appear personally or by counsel or both before the Board;
- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;

- e. The right to further procedural steps except for specifically contained herein;
- f. Any and all rights of appeal of this Consent Order;
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.


- (3) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct.
- (4) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.
- (5) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.
- (6) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
- (7) The Respondent shall cease and desist prescribing medications for on-line pharmacies and to patients regarding whom no face to face evaluation has taken place. Further, the Respondent agrees to a Reprimand for writing

prescriptions for patients whom he has not met or evaluated. The Respondent shall remain on probation for a period of three years during which time he shall verify in writing to the Board that he is not engaged in treating patients via the internet. The Respondent shall attend an evaluation and remediation course related to ethics approved by the Board and shall pay an administrative Fee of Five-Hundred (\$500.00) Dollars.

Signed this 15TH day of August, 2001.


Martin P. Feldman, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on August 15, 2001.


Patricia A. Nolan, MD, MPH
Director of Health